

Application No. 10/619,199
Response to OA of 03/06/2006

Remarks

In the present response, one claim (16) is amended. Claims 1-21 are presented for examination.

I. Claim Objections

Claim 16 is objected to since it recited "redundant perturbations." Claim 16 is amended to correct this typographical error.

II. Claims Rejection: 35 USC § 102(b)

Claims 1 – 21 are rejected under 35 USC § 102(b) as being anticipated by USPN 5,835,477 (Binning). Applicant respectfully traverses this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Binning neither teaches nor suggests each element in the claims, these claims are allowable over Binning.

Claims 1, 14, and 19

Claims 1, 14, and 19 recite numerous limitations that are not taught or suggested in Binning. By way of example, each of these claims recites "a probe having plural tips." Binning does not teach a probe having plural tips. The Office Action cites FIG. 5A of Binning. Applicant respectfully disagrees.

FIG. 5A of Binning shows a cross-section of an array of parallel probes 46. The probes are separate from each other, and each probe includes a single tip. Binning does discuss an alternate embodiment: "An alternative approach would be to mount all these parallel probes 46 at the end of one and the same cantilever" (8:66 – 9:1). In other words, Binning discusses an alternate embodiment wherein each probe with a single tip is mounted to a same cantilever. Whether probes 46 are separate or mounted to a same cantilever, they still have a single tip. Binning's probes 46 have a single tip, and Binning states that "these parallel probes 46" are mounted to the same cantilever. By contrast, claim 1 recites "a probe having plural tips." Binning never states or even suggests that

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any of the probes 46 have plural tips. Instead, Binning states that plural probes with single tips are mounted to a same cantilever.

For at least these reasons, independent claims 1, 14, and 19 and their dependent claims are allowable over Binning.

Claim 1

As another example, claim 1 recites "the plural tips of the probe to form plural perturbations in the surface in at least one of the storage cells for representing a data bit." In other words, a single probe with plural tips forms plural perturbations. These plural perturbations represent "a" data bit. The Office Action cites FIGS. 5A and 6 of Binning. Applicant respectfully disagrees.

Binning teaches an array of plural, separate probes with each probe having a single tip. The array of plural probes can be used to read concurrently more than one bit (see Binning at 8: 63-66). Binning, however, never teaches or even suggests that plural perturbations represent a single data bit. Again, Binning merely teaches that plural bits can be concurrently read. By contrast, claim 1 recites a single probe with plural tips that form plural perturbations. These plural perturbations represent "a" data bit.

For at least these reasons, independent claim 1 and its dependent claims are allowable over Binning.

Claim 14

As another example, claim 14 recites "the plural tips of the probe to form at least two perturbations in the surface in at least one of the storage cells for representing a data bit." In other words, a single probe with two tips forms two perturbations. These two perturbations represent "a" data bit. The Office Action cites FIGS. 5A and 6 of Binning. Applicant respectfully disagrees.

Binning teaches an array of plural, separate probes with each probe having a single tip. The array of plural probes can be used to read concurrently more than one bit (see Binning at 8: 63-66). Binning, however, never teaches or even suggests that two perturbations represent a single data bit. Again, Binning merely teaches that plural bits

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can be concurrently read. By contrast, claim 14 recites a single probe with two tips that form two perturbations. These two perturbations represent "a" data bit.

For at least these reasons, independent claim 14 and its dependent claims are allowable over Binning.

Claim 19

As another example, claim 19 recites "forming at least two perturbations in the surface in at least one of the storage cells for representing a data bit." In other words, two perturbations are formed in the storage medium. These two perturbations represent "a" data bit. The Office Action cites FIGS. 5A and 6 of Binning. Applicant respectfully disagrees.

Binning teaches an array of plural, separate probes with each probe having a single tip. The array of plural probes can be used to read concurrently more than one bit (see Binning at 8: 63-66). Binning, however, never teaches or even suggests that two perturbations represent a single data bit. Again, Binning merely teaches that plural bits can be concurrently read. By contrast, claim 19 recites that at least two perturbations are formed in the storage medium. These two perturbations represent "a" data bit.

For at least these reasons, independent claim 19 and its dependent claims are allowable over Binning.

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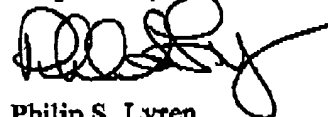
CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (832) 236-5529. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 1st day of June, 2006.

By



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